

# **EXHIBIT 5**

**RE: [EXTERNAL] Re: Monitoring Team's Initial Response to Requests for Information Pursuant to Section XIX, paragraph 8 of the Consent Judgment**

Schemitsch, John (Law) <jschemit@law.nyc.gov>

Fri 8/25/2023 3:11 PM

To: Mary Lynne Werlwas <MLWerlwas@legal-aid.org>; Anna Friedberg <afriedberg@tillidgroup.com>; Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Shechtman, Paul (DOC) <Paul.Shechtman@doc.nyc.gov>; Wolecki, Hilary <Hilary.Wolecki@doc.nyc.gov>; Kayla Simpson <KSimpson@legal-aid.org>; Debbie Greenberger <dgreenberger@ecbawm.com>; Jonathan S. Abady <jabady@ecbawm.com>; Vasudha Talla <vtalla@ecbawm.com>; Sana Mayat <smayat@ecbawm.com>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Eshkenazi, Lara (USANYS) <Lara.Eshkenazi@usdoj.gov>  
Cc: Steve Martin <sjsmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

Good afternoon,

We are writing to follow up on the meet and confer. We will provide the proposed redactions and positions on outstanding items as soon practicable.

Best,  
John

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**From:** Mary Lynne Werlwas <MLWerlwas@legal-aid.org>

**Sent:** Wednesday, August 9, 2023 1:21 PM

**To:** Anna Friedberg <afriedberg@tillidgroup.com>; Schemitsch, John (Law) <jschemit@law.nyc.gov>; Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Shechtman, Paul (DOC) <Paul.Shechtman@doc.nyc.gov>; Wolecki, Hilary <Hilary.Wolecki@doc.nyc.gov>; Simpson, Kayla <KSimpson@legal-aid.org>; Debbie Greenberger <dgreenberger@ecbawm.com>; Jonathan S. Abady <jabady@ecbawm.com>; Vasudha Talla <vtalla@ecbawm.com>; Sana Mayat <smayat@ecbawm.com>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Eshkenazi, Lara (USANYS) <Lara.Eshkenazi@usdoj.gov>; Joyce, Kimberly <Kimberly.Joyce@doc.nyc.gov>; Oestericher, Jeffrey (USANYS) <Jeffrey.Oestericher@usdoj.gov>; LawNunezTeam <LawNunezTeam@law.nyc.gov>; Blain, Ellen (USANYS) <Ellen.Blain@usdoj.gov>; Connard, Christopher <Christopher.Connard@doc.nyc.gov>  
**Cc:** Steve Martin <sjsmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>  
**Subject:** [EXTERNAL] Re: Monitoring Team's Initial Response to Requests for Information Pursuant to Section XIX, paragraph 8 of the Consent Judgment

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City Counsel,

With respect to items # 6 and #7 on the Monitor's chart (Narcans data and housing unit alarm data), we ask that the City please produce any responsive data or documents no later than August 23.

With respect to the items over which the City has asserted a privilege, or may assert a privilege (records related to in-custody death on July 15, 2023 and the illustrative examples 1-9 in the Monitor's July 10, 2023 report), please provide us with a privilege log describing the items you seek to withhold and/or deem confidential. We propose having a meet and confer regarding those on August 17, when we also discuss the privilege log for Incidents #1-5.

Thank you.

Mary Lynne

**Mary Lynne Werlwas**

Director

Prisoners' Rights Project

Tel: 212-577-7981

she/her

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**From:** Anna Friedberg <[afriedberg@tillidgroup.com](mailto:afriedberg@tillidgroup.com)>

**Sent:** Tuesday, August 8, 2023 5:30 PM

**To:** Schemitsch, John (Law) <[jschemit@law.nyc.gov](mailto:jschemit@law.nyc.gov)>; Anna Friedberg <[afriedberg@tillidgroup.com](mailto:afriedberg@tillidgroup.com)>; Neufeld, Sheryl (Law) <[sneufeld@law.nyc.gov](mailto:sneufeld@law.nyc.gov)>; Scheiner, Alan (Law) <[ascheine@law.nyc.gov](mailto:ascheine@law.nyc.gov)>; Katherine Haas <[khaas@legal-aid.org](mailto:khaas@legal-aid.org)>; Powell, Jeffrey K. (USANYS) 4 <[Jeffrey.Powell@usdoj.gov](mailto:Jeffrey.Powell@usdoj.gov)>; Iodice, Ashley (Law) <[aiodice@law.nyc.gov](mailto:aiodice@law.nyc.gov)>; Shechtman, Paul (DOC) <[Paul.Shechtman@doc.nyc.gov](mailto:Paul.Shechtman@doc.nyc.gov)>; Wolecki, Hilary <[Hilary.Wolecki@doc.nyc.gov](mailto:Hilary.Wolecki@doc.nyc.gov)>; Kayla Simpson <[KSimpson@legal-aid.org](mailto:KSimpson@legal-aid.org)>; Debbie Greenberger <[dgreenberger@ecbawm.com](mailto:dgreenberger@ecbawm.com)>; Jonathan S. Abady <[jabady@ecbawm.com](mailto:jabady@ecbawm.com)>; Vasudha Talla <[vtalla@ecbawm.com](mailto:vtalla@ecbawm.com)>; Sana Mayat <[smayat@ecbawm.com](mailto:smayat@ecbawm.com)>; Brar, Jenu (Law) <[jbrar@law.nyc.gov](mailto:jbrar@law.nyc.gov)>; Khan, Mariam (LAW) <[markhan@law.nyc.gov](mailto:markhan@law.nyc.gov)>; Mooklal, Stefan (LAW) <[smooklal@law.nyc.gov](mailto:smooklal@law.nyc.gov)>; Relkin, Rachel (Law) <[rrelkin@law.nyc.gov](mailto:rrelkin@law.nyc.gov)>; Waite, Tisha (Law) <[twait@law.nyc.gov](mailto:twait@law.nyc.gov)>; Eshkenazi, Lara (USANYS) <[Lara.Eshkenazi@usdoj.gov](mailto:Lara.Eshkenazi@usdoj.gov)>; Joyce, Kimberly <[Kimberly.Joyce@doc.nyc.gov](mailto:Kimberly.Joyce@doc.nyc.gov)>; Oestericher, Jeffrey (USANYS) <[Jeffrey.Oestericher@usdoj.gov](mailto:Jeffrey.Oestericher@usdoj.gov)>; LawNunezTeam <[LawNunezTeam@law.nyc.gov](mailto:LawNunezTeam@law.nyc.gov)>; Blain, Ellen (USANYS) <[Ellen.Blain@usdoj.gov](mailto:Ellen.Blain@usdoj.gov)>; Connard, Christopher <[Christopher.Connard@doc.nyc.gov](mailto:Christopher.Connard@doc.nyc.gov)>; Mary Lynne Werlwas <[MLWerlwas@legal-aid.org](mailto:MLWerlwas@legal-aid.org)>

**Cc:** Steve Martin <[sjmart@sbcglobal.net](mailto:sjmart@sbcglobal.net)>; Nunez-NYC <[nunez-nyc@tillidgroup.com](mailto:nunez-nyc@tillidgroup.com)>

**Subject:** Monitoring Team's Initial Response to Requests for Information Pursuant to Section XIX, paragraph 8 of the Consent Judgment

Dear All,

Attached is a chart with the Monitoring Team's initial response to the various requests for documents and information that have been made during the July 2023 meet and confers as well as Plaintiffs July 28, 2023, document request. As you will see, the majority of information will be provided by the Monitoring Team. We have either provided it already (which is noted), it is attached to this email or will be provided on a rolling basis by September 8, 2023.

There are five requests that the Monitoring Team cannot fulfill either because: (1) the City and Department must advise whether they object to production based on privilege grounds or (2) the Monitoring Team does not have the information. These four requests are for the complete set of NCU Audits (request for meet and confer already underway), records related to the July 15, 2023 in-custody death, and requests number 6, 7, and 8. These five requests are highlighted in the attached chart for ease of reference.

To the extent the information provided by the Monitoring Team in this communication (or subsequent productions) is covered by the applicable and various protective orders in place, we leave that to the Parties to work out amongst themselves.

Please do not hesitate to reach out with any questions.

Best,  
Anna

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**Anna E. Friedberg**

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